

AMENDMENTS TO THE DRAWINGS

Applicants respectfully request entry of the Replacement Sheet Drawings of Figures 1-6 filed herewith.

REMARKS

Status of the Claims

With entry of these amendments, claims 13-15, 18-22 and 24-31 are currently pending and under consideration.

Claims 13, 21, 24, 28, 29 and 31 are currently amended, and claims 1-12, 16-17, 23 and 32 are cancelled. No new matter is added; support for the amendments can be found throughout the application as filed. For example, support for the specific combination of primers comprising either SEQ ID NO: 11 or 22 and either SEQ ID NO: 12 or 20 can be found in original claim 16.

Objections to the Specification

TITLE

The Examiner has stated that the title of the invention is not descriptive and requires a new title that is clearly indicative of the invention. (Action page 2) With entry of the present amendments to the specification, Applicants have amended the title to read:

“OLIGONUCLEOTIDES, REAGENTS AND AMPLIFICATION METHODS FOR
DETECTING SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS”

ABSTRACT

Further, the Examiner suggests that the abstract should also be amended. (Action pages 2-3) With entry of the present amendments to the specification, Applicants have amended the abstract to read:

This invention provides oligonucleotides, reagents and amplification methods for detecting the severe acute respiratory syndrome coronavirus (SARS CoV). This invention also provides related compositions, kits, systems, and computers.

DRAWINGS

The Examiner has objected to the specification because the Brief Description of the Drawings and the Drawings filed 10/07/05 are not in agreement. (Action page 3) Applicants assert that the numbering of the Figures in the “Brief Description of the Drawings” section beginning at paragraph [0022] correctly refers to Figures 1-6 as referenced throughout the specification as filed.

Applicants respectfully request entry of the Replacement Sheet Drawings filed herewith providing the corrected Figure numbering. No other amendments to the specification with regards to the Figure numbering is required.

Applicants regret the administrative errors that lead to the incorrect Figure numbering and the unintentional filing of only 4 of the 6 Figures. Figures 3-6 were incorrectly filed as "Figures 1-4", and corrected Figures 1 and 2 were not originally submitted as numbered "Figures" in the present application. All information contained in corrected Figures 1 and 2 was present in the priority filings. For example the information was filed in the original international filing of this application (WO 2004/094667) but was labeled incorrectly. Corrected Figure 1 is found beginning on page 104 of WO 2004/094667 A2, and corrected Figure 2 is found on page 116 of WO 2004/094667 A2. References to Figures made throughout the instant specification as filed, for example the reference to the sequence alignment of "FIG. 2" in paragraph [0104] and the references to "FIGS. 4 and 5" in paragraphs [0188]-[0191] (as numbered in the present application as published US 2008/0044814), are consistent with the numbering of the corrected Replacement Drawings. No new matter is added by the entry of the Replacement Drawings.

As further support on the corrected Figures 1 and 2, as per Applicants' response dated August 8, 2007 to the Notice of Defective Response mailed July 13, 2007, applicants requested entry of the following amendments to the specification relating to the Figures and incorporation of SEQ ID NO identifiers:

Please delete paragraphs [0022] and [0023] and replace them with the following paragraphs:

[0022] Figure 1 shows a nucleotide sequence of the SARS-CoV genome as determined by the Centers for Disease Control (Atlanta, GA, USA) (SEQ ID NO: 13).

[0023] Figure 2 shows alignments of nucleotide sequences from various SARS-CoV isolates and from certain non-target organisms relative to one another. Group 1 discloses SEQ ID NOS 29, 30, 31, 14 and 25, respectively, in order of appearance. Group 2 discloses SEQ ID NOS 30, 31, 29, 26, and 32, respectively, in order of appearance. Group 3 discloses SEQ ID NOS 30, 31, 29, and 33, respectively, in order of appearance.

As presented in detail above, Applicants respectfully request withdrawal of all of the objections to the Specification.

Claim Rejections – 35 U.S.C. §112

The Examiner has rejected claims 1-32 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Action pages 3-4)

- A) The Examiner asserts that it is unclear what is meant by “complement(s)”. Solely to facilitate prosecution, Applicants have amended claims 13, 21, 24, 28, 29 and 31 to include the term “full complement(s)” as suggested by the Examiner.
- B) Claim 3 has been cancelled and therefore the rejection is moot.
- C) Claim 32 has been cancelled and therefore the rejection is moot.

Applicants respectfully request withdrawal of the 112 rejections.

Claim Rejections – 35 U.S.C. §102

The Examiner has rejected claim 1 under 35 U.S.C 102(b). Applicants have cancelled claim 1 and therefore the rejection is moot.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claims 2-12 and 28-32 under 35 U.S.C 103(a) as being unpatentable over any one of Database accession no. AY269391, Peiris et al., or Maes et al., in view of Buck et al. (Action page 7) Further, the Examiner has rejected claims 13-15, 17-22 and 24-27 under 35 U.S.C 103(a) as being unpatentable over either of Database accession no. AY269391 or Peiris et al., in view of Buck et al. (Action page 8) And the Examiner has rejected claim 23 under 35 U.S.C 103(a) as being unpatentable over Peiris et al. in view of Buck et al. (Action page 9) The Examiner notes that claim 16 is free of the prior art (Action page 9, emphasis added), but is rejected for other reasons. This claim requires the use of a combination of primers comprising either SEQ ID NO: 11 or 22 and either SEQ ID NO: 12 or 20. The use of this combination of primers is not taught or suggested in the prior art. (Action page 9)

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With entry of the present amendments, claims 13, 21, 24, 28, 29 and 31 are currently amended to incorporate the limitation of the primer combination as presented in original claim 16. The remaining pending claims depend from these amended claims and therefore also include the limitation to the primer combination. As acknowledged by the Examiner, the combination of primers comprising either SEQ ID NO: 11 or 22 and either SEQ ID NO: 12 or 20 is free of the prior art and not rejected under 35 U.S.C 103(a). Therefore, the claims comprising this primer combination limitation are not taught or suggested in the prior art.

Applicants respectfully request the reconsideration and withdrawal of the §103 rejections of the pending claims.

CONCLUSION

Applicants respectfully assert that the present application is in condition for allowance and request that the Office issue a timely Notice of Allowance. If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-730-8566.

Please grant any extensions of time that may be required to enter this response and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

Please direct all future correspondences to: Customer No. 22829.

Respectfully submitted,

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Date: November 26, 2008

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